IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(***Special Original Jurisdiction***)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.9836 of 2005

Between:

P. Aruna W/o Gopi
Musalipedu Vilalge, Yerpedu mandal Chittoor District

..... PETITIONER

A N D

1 The Joint Collector, Chittoor
2 the Revenue Divisional Officer, Tirupati, Chittoor District
3 The Mandal Revenue Officer, Yerpedu Mandal, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ, more particularly one in the nature of writ of mandamus declaring the order of the 2nd respondent in Roc. C/440/05 dt.2-4-05 where under the authorization of the petitioner to run the F.P. Shop of Musilipedu is canceled and further action of the 1st respondent in not passing any orders either on stay petition or on appeal filed by the petitioner as illegal, arbitrary and violative of principles of natural justice and contrary to the provisions of A.P. State Public Distribution system (Control) order 2001 and set- aside the order of the 2nd respondent in Roc.C/440/05, dt.2-4-2005.

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

*The Court at the stage of admission made the following***:** (order follows 2nd page)

O R D E R :

The petitioner seeks the relief of mandamus to declare the order dated 2-4-2005 passed in ROC.No.C/440/05 by the second respondent canceling her authorization to run the fair price shop of Musalipadu village of Yerpedu Revenue Mandal in Chittoor district and further the action of the first respondent in not passing the orders either in appeal or stay application as illegal, arbitrary and violative of the principles of natural justice and contrary to the provisions of A.P.State Public Distribution System (Control) Order, 2001 and set aside the order dated 02-4-2005 passed in ROC.No.C/440/05 by the second respondent.

The petitioner submits that she was appointed as Fair Price Shop Dealer on permanent basis vide Proceedings D.Dis.No.C/4397/95 dated 26-7-1997. Since then, she was distributing the essential commodities to the cardholders without any complaint whatsoever. Further her authorization is being renewed from time to time and she is entitled to receive the stocks as long as her authorization is subsisting but the third respondent did not release the stocks in her favour, she filed WP.No.2701 of 2005 questioning the action of the respondents 2 and 3 in not supplying the essential commodities to her. This court while disposing of WP.No.2701 of 2005 directed the respondents to supply the essential commodities as long as her authorization is in force. When the petitioner went to the office of third respondent to deposit the demand drafts for the month of March 2005 for release of stocks she was served with a show cause notice dated 7-3-2005 issued by the second respondent along with an order in ROC.No.C/4440/05 dated 7-3-2005 suspending her

authorization and directing her to explain why her authorization shall not be cancelled. Thereafter, aggrieved by the order in ROC.No.C/4440/05 dated 7-3-2005 suspending her authorization she filed WP.No.7869 of 2005 before this court. This court passed order in WP.No.7869 of 2005 stating that pending disposal of the appeal by the first respondent, the impugned order dated 7-3-2005 was suspended.

The main allegations against her is that firstly, she is not residing in the village Musalipadu; secondly, she appointed benami dealer; thirdly, she is not exhibiting stock board and price list in front of the shop; fourthly, she is selling essential commodities on higher rates and not opening the fair price shop in the time prescribed, causing inconvenience to the cardholders. The petitioner in her explanation denied these allegations but the same were not accepted.

The petitioner further submits that on 8-4-2005 the Panchayat Secretary of Musalipadu village served order in ROC.C/440/05 dated 2-4-2005 passed by the second respondent by rejecting her explanation cancelled her authorization without conducting any enquiry. Aggrieved by the orders dated 02-4-2005 passed by the second respondent, she filed an appeal before the first respondent on 20-4-2005 under clause 20 (1) of A.P. State Public Distribution System (Control) Order, 2001 along with application seeking stay. But the first respondent did not pass any order till date.

Heard the learned counsel for the petitioner as well as the learned Govt.Pleader for Civil Supplies.

Without going into the merits or otherwise, this court sitting under Article 226 of the

Constitution of India deems fit and appropriate to direct the first respondent to consider and dispose of the appeal filed by the petitioner against the suspension orders of Revenue Divisional Officer, Tirupati, in ROC.No.C/440/05, dated 02-4-2005 within a period of six weeks from the date of receipt of a copy of this order on merits and in accordance with law. However, the petitioner shall be continued as fair price shop dealer of Musalipadu village of Yerpedu Revenue Mandal in Chittoor district, till final disposal of the appeal filed by her.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

APRIL27th, 2005. ----------

I S L. ELIPE DHARMA RAO , J

To

1 The Joint Collector, Chittoor
2 The Revenue Divisional Officer, Tirupati, Chittoor District
3 The Mandal Revenue Officer, Yerpedu Mandal, Chittoor District

4 One CC to Govt.Pleader for Civil Supplies, High Court

Buildings, High Court of AP Hyderabad (OUT).

5 Two CD Copies.